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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.               | CONFIRMATION NO.       |
|--|-------------|----------------------|-----------------------------------|------------------------|
| 10/821,263   | 04/08/2004  | Simone Sassolini     | 854063.748                        | 8624                   |
| 38106 7590 05/29/2007<br>SEED INTELLECTUAL PROPERTY LAW GROUP PLLC<br>701 FIFTH AVENUE, SUITE 5400<br>SEATTLE, WA 98104-7092 |             |                      | EXAMINER<br>FOURSON III, GEORGE R |                        |
|  |             |                      | ART UNIT<br>2823                  | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>05/29/2007           | DELIVERY MODE<br>PAPER |

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The time period for reply, if any, is set in the attached communication.



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10/821263

4/08/04

Sassolini

EXAMINER

Fourson

ART UNIT

PAPER

2823

20070524

DATE MAILED:

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Commissioner for Patents

A decision on applicant's petition to modify the restriction proposed by the examiner is provided herein. The application is being forwarded to the Examining Corps for further action which will be soon forthcoming.

MATTHEW SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

George Fourson  
Primary Examiner  
Art Unit: 2823



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Paper No. 052407

Harold H. Bennett II  
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Appl No.: 10/821,263 :  
Inv: Sassolini et al. : **DECISION ON PETITION**  
Filed: April 8, 2004 : **UNDER 37 CFR 1.144**  
For: Method for Manufacturing a Micro-Electromechanical :  
Device, in Particular an Optical Microswitch and Micro –  
Electro-Mechanical Device thus Obtained :

This is a decision on the applicant's "Petition to Modify the Restriction Requirement" made final in the Office letter of April 28, 2006.

In the process of prosecuting this case, two restriction requirements were made. The first restriction between method (claims 1-12 and 14-17) and device (claims 13 and 18-22) resulted in the applicant electing, without traverse, to prosecute the method. No argument pertains to this requirement. The second restriction requirement made by the examiner further restricted between asserted species outlined in the office action of December 29, 2005. The applicant elected species I with traverse and indicated that claims 1-12 read on this species. The applicant questions that species I and species II as outlined by the examiner in the December 29, 2005 restriction are in fact one and the same and that no mutually exclusivity between the examiner's asserted species I and II

exists. The applicant thereby requests that the claim 14, that the applicant considers corresponding to species II, be examined along with claims 1-12.

The sole issue on this matter is whether there is a mutually exclusive feature between claims 1 and 14.

After a careful review of the claims, the petition is hereby **granted**.

There is no mutually exclusive feature present as the applicant is in essence the "operative parts" as described in claims 1 and 12 correspond to the rotor region and stator elements of claim 14 and as seen in Figure 17. Therefore, claims 1 and 14 pertain to one species or embodiment. While the applicant has not clearly stated, the applicant appears to be requesting that not only claim 14 be considered in the embodiment but also claims 15 and 16.

The application is being forwarded to the Examining Corps whereupon an office action considering claims 1-12 and 14-16 will be forthcoming.

A handwritten signature in black ink, appearing to read 'Matthew S. Smith', with a stylized, cursive script.

Matthew S. Smith

Supervisory Primary Examiner AU 2823

Technology Center 2800